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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 0220-085	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____		Application Number 10/008,295	Filed 11/13/2001
		First Named Inventor Linda Ann Roberts	
		Art Unit 3627	Examiner Steven B. McAllister
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/98)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>32,596</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p> <p><input type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			



Signature

Michael G. Savage

Typed or printed name

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Telephone number

January 23, 2006

Date

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Patent
Attorney's Docket No. 0220-085

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Linda Ann Roberts et al.

Application No. 10/008,295

Art Unit 3627

Filing Date: 11/13/2001

Examiner Steven B. McAllister

For: Systems and Methods for Processing
an Electronic Request for Goods or
Services

Confirmation No. 2697

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In connection with the Notice of Appeal that accompanies this paper, review of the final rejections in the Office Action mailed on September 23, 2005, in the above-identified application is respectfully requested.

Claims 1, 3-7, 9-12, and 15 are pending.

Claims 1, 3, 6, 7, 9, 12, and 15 stand finally rejected for obviousness over a combination of Ahluwalia and Fisher. Remaining claims 4, 5, 10, and 11 stand finally rejected for obviousness over a combination of Ahluwalia, Fisher, and Presence.

These rejections are improper because all combinations of Ahluwalia, Fisher, and Presence omit one or more essential elements needed for a *prima facie* rejection. For example, none of the cited art discloses "providing to a shopper . . . an electronic purchase order having an opportunity to select a notification option and provide electronic purchasing information, wherein the notification option, if selected, indicates that the shopper desires to be contacted if a triggering event that affects the

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performance of delivery occurs", as recited by Claim 1, for example. The other independent Claims 7 and 12 include comparable recitations.

Applicants' methods for processing an electronic request to purchase (Claim 1) and computers for processing an electronic request to purchase (Claims 7 and 12) relate to electronic purchasing, for example using the internet. As explained on page 4, lines 8-19, for example, a buyer may choose to be notified if an event occurs that affects a vendor's ability to deliver goods or services. Such an event can be said to "trigger" the notification. As described above, independent Claims 1, 7, and 12 require such features.

Page 2 of the final Action admits that "Ahluwalia does not explicitly show that the notification is to be in the case of a triggering event; recognizing the occurrence of the triggering event; and notifying the shopper that the triggering event has occurred." Indeed, all that Ahluwalia states about notifications is that they occur at times that are preset (e.g., every week or month) and may include various information, such as updated delivery dates. Ahluwalia, col. 10, ll. 27-34. Ahluwalia says nothing about triggering events for notifications.

Fisher discloses a method for disclosing the status of an order to a customer by way of a customer's network address. Nevertheless, as admitted on page 3 of the Office Action mailed on April 6, 2005, Fisher fails to teach "notifying the shopper of the triggering event only if a notification option has been selected". Of course, Claim 1 recites that the notification option, if selected, "indicates that the shopper desires to be contacted if a triggering event that affects the performance of delivery occurs".

Thus, Fisher does not disclose the claimed features that Ahluwalia does not disclose, and so even if Fisher had been combined with Ahluwalia, all that could have resulted is a combination that would have lacked those claimed features. Accordingly, the obviousness rejections based on a combination of Ahluwalia and Fisher must be reconsidered and withdrawn at least because disclosure of all claimed features is the first requirement of a *prima facie* case.

The Presence document is directed to various automated methods for communicating with a person using the person's status and communications capabilities and preferences at any particular moment. Nevertheless, Presence also fails to teach

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or suggest an "electronic purchase order having an opportunity to select a notification option and provide electronic purchasing information, wherein the notification option, if selected, indicates that the shopper desires to be contacted if a triggering event that affects the performance of delivery occurs" as recited in Claim 1 and as similarly recited in Claim 7. As Claims 1 and 7 are the bases for Claims 4, 5, 10, and 11, the obviousness rejections based on a combination of Ahluwalia, Fisher, and Presence must be withdrawn at least because the combination does not disclose all claimed features, as required for a *prima facie* case.

It is also believed that Ahluwalia, Fisher, and Presence would not have supplied any motivation to combine them as suggested by the Action and that there would have been no reasonable expectation that such complex documents could be successfully combined to yield a working system, which even then would have had to be further modified to obtain the claimed subject matter. In view of the significant differences between the subject matters claimed and the cited art, it is unnecessary at this time to discuss in detail these other requirements of a *prima facie* case of obviousness.

Accordingly, it is respectfully submitted that no combination of Ahluwalia, Fisher, and Presence discloses all of the features required by Applicants' claims, and so the obviousness rejections must be withdrawn. If any questions arise, the undersigned attorney may be telephoned at the number given below.

Respectfully submitted,



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Filed January 23, 2006

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